

49th Legislature, Page 450, Chapter 282, Section 3, and including an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 428 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 428 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

#### Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

#### Absent—Excused

Carney

#### Adjournment

On motion of Senator Morris, the Senate at 9:25 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

#### SEVENTY-SEVENTH DAY

(Tuesday, June 3, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Knight, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with and the Journal approved.

#### Leave of Absence Granted

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

#### Senate Bill 440 on First Reading

By unanimous consent, the following local bill was introduced, read, and referred to the Committee on Game and Fish:

By Senator Crawford:

S. B. No. 440, A bill to be entitled "An Act amending House Bill No. 919, Chapter 50, Page 800, Special Laws, 1939, Regular Session, 46th Legislature, Sections 1 and 2, as amended by Senate Bill No. 128, Acts

1947, 50th Legislature, regulating and providing for the taking of minnows in Erath and Hood Counties for personal use by residents of said Counties on their own premises, and providing that such persons may use such minnows for personal and commercial purposes and for sale at any time; providing a penalty; providing a savings clause; and declaring an emergency."

#### Senate Bill 441 on First Reading

Senator Taylor moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

#### Absent—Excused

Carney

The following bill then was introduced, read first time and referred to the Committee on Finance:

S. B. No. 441, A bill to be entitled "An Act amending Article 2644, Revised Civil Statutes, 1925, and declaring an emergency."

#### Senate Bill 442 on First Reading

Senator Proffer moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

#### Absent—Excused

Carney

The following bill then was introduced, read first time and referred to the Committee on Finance:

S. B. No. 442, A bill to be entitled "An Act making an appropriation to erect a monument on the field of the 'Battle of the Knobs,' and declaring an emergency."

#### Senate Resolution 125

(Extending Welcome to Principal and Class of Bells High School)

Senator Aikin offered the following resolution:

Whereas, Mr. O. F. Wooldridge, Principal, and the Senior Class of Bells High School are visitors in the capitol, and

Whereas, We are delighted to have them as our guests; now, therefore, be it

Resolved, That the Senate of Texas extend a cordial welcome to Mr. Wooldridge and this fine class.

JONES  
AIKIN

The resolution was read and was adopted.

#### Senate Concurrent Resolution 54

Senator Morris offered the following resolution:

S. C. R. No. 54, Suspending Rules to make Tuesday, June 3, 1947, Senate bill day in the House.

Be it resolved by the Senate of Texas, the House concurring, that all necessary rules, including the joint rules, be suspended so that Tuesday,

June 3rd, 1947, shall be Senate Bill Day in the House and all such rules are so suspended.

The resolution was read and was adopted.

#### House Bill 468 Ordered Not Printed

On motion of Senator Aikin, and by unanimous consent, House Bill No. 468 was ordered not printed.

#### Senate Resolution 126

(Extending Welcome to Officials and Students of Sanger High School.)

Senator Proffer offered the following resolution:

Whereas, We are honored today to have in the gallery Mr. E. C. McMurray, Teacher of Vocational Agriculture and Sponsor of the Senior Class; Mrs. H. O. Harris, room mother and mother of the Valedictorian for this year; Woodie Christian and nine of the graduating class of Sanger High School in Denton County.

Whereas, These Seniors and these adults are on an educational tour of the Capitol Building and the Capital City, now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 55

Senator Hazlewood offered the following resolution:

S. C. R. No. 55, Suspending Joint Rules to consider certain House bills on June 3, 4, 5, and 6, 1947.

Be it resolved by the Senate of Texas, the House of Representatives concurring, that the joint rules of the Senate and House be suspended in order that the Senate may consider House Bills 787 by Fly, 92 by Templeton, 568 by Templeton, 754 by Holt, and 210 by Smith and others, Tuesday, June 3, Wednesday, June 4, Thursday, June 5, and Friday, June 6.

The resolution was read and was adopted.

#### Hour for Executive Session

On motion of Senator Brown, and

by unanimous consent, the Senate agreed to hold an executive session at 11:00 o'clock a.m., Wednesday, June 4, 1947.

#### House Bill and Resolutions on First Reading

The following House bill and resolutions received from the House were laid before the Senate, read first time and referred to the committees indicated.

H. B. No. 184, to Committee on Education.

H. C. R. No. 149, to Committee on State Affairs.

H. C. R. No. 152, to Committee on State Affairs.

#### Messages from the Governor

The following messages received from the Governor today were laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 3, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with reference to the following appointments:

To be members of the Texas Prison Board for six-year terms to expire February 2, 1953:

W. C. Windsor of Tyler, Smith County (to succeed Riley Wyatt, resigned)

Bronson Morgan of Jasper, Jasper County

T. R. Havins of Brownwood, Brown County.

To be members of the Washington State Park Commission for terms expiring February 29, 1948:

Claude Mast of Brenham, Washington County

Mrs. Harry C. Ferguson of Brenham, Washington County

Mrs. Alvin Weghorst of Brenham, Washington County

Mrs. Richard Spinn of Brenham, Washington County

Mrs. Dick Kilgore of Brenham, Washington County.

To be a member of the Livestock Sanitary Commission for a six-year term to expire May 4, 1953, (succeeding Tom M. Lasater, resigned):

Claude K. McCan of Victoria, Victoria County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

**Report of Conference Committee on  
Senate Bill 302**

Senator Vick submitted the following report:

Austin, Texas,  
May 22, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 302, have met and had same under consideration and recommend that Senate Bill No. 302 be passed in the form attached hereto.

Respectfully submitted,

VICK  
TYNAN  
BROWN  
LANE  
HAZLEWOOD

On the Part of the Senate.

SALLAS  
McDANIEL  
LEWIS  
HEIDEKE  
SPARKS

On the Part of the House.

S. B. No. 302

By Vick, Stanford, Brown, Stewart, Parrish, and Kelley of Hidalgo.

**A BILL**

**To Be Entitled**

"An Act amending Article 3912e, Section 13, Revised Civil Statutes of 1925, as amended, providing that from and after the effective date of this Act the Commissioners' Courts in counties with more than twenty thousand (20,000) inhabitants and less than sixty thousand (60,000) inhabitants, according to the last preceding Federal Census, are authorized, when in their judgment the financial condition of such county and the needs of the officers justify the increase, to enter an order increasing the compensation of the precinct, county and district officers, including County Commissioners and the deputies, clerks and assistants of such officers as listed herein, in an additional amount not to exceed fifteen percent (15%) of the sum being paid to or appropriated for said officers,

ties, clerks and assistants of such officers as listed herein, in an additional amount not to exceed fifteen percent (15%) of the sum being paid to or appropriated for said officers, deputies, clerks and assistants in the month of December, 1946; and providing that no such increase shall be granted to any of the above named officers and County Commissioners unless such increase shall apply to all other officers and commissioners in an equal percent, not to exceed fifteen percent (15%); and providing further that such increase shall not apply to any deputies, clerks or assistants of any one particular officer unless the same shall apply in equal percent to all deputies, clerks and assistants of all other officers, not to exceed (15%); and providing that the Commissioners' Courts in counties with more than sixty thousand (60,000) inhabitants and less than one hundred ninety thousand (190,000) inhabitants, according to the last preceding Federal Census, are authorized and it shall be their duty to fix the salaries of certain named officers, their deputies, clerks and assistants, in an additional amount of fifteen percent (15%) of the sum paid to or appropriated for said officers, and regularly employed deputies, clerks and assistants, in the month of December, 1946; and declaring an emergency."

**Be It Enacted by the Legislature of the State of Texas:**

Section 1. That Article 3912e, Section 13, Revised Civil Statutes of Texas, 1925, as amended, be and the same is hereby amended by adding thereto sub-section (f) to read as follows:

"(f). From and after the effective date of this Act the Commissioners' Courts in counties with more than twenty thousand (20,000) inhabitants and less than sixty thousand (60,000) inhabitants, according to the last preceding Federal Census, are authorized, when in their judgment the financial condition of such county and the needs of the officers justify the increase, to enter an order increasing the compensation of the precinct, county and district officers, including County Commissioners and the deputies, clerks and assistants of such officers as listed herein, in an additional amount not to exceed fifteen percent (15%) of the sum being paid to or appropriated for said officers,

deputies, clerks and assistants in the month of December, 1946; and providing that no such increase shall be granted to any of the above named officers and County Commissioners unless such increase shall apply to all other officers and Commissioners in an equal percent not to exceed fifteen percent (15%); and providing further that such increase shall not apply to any deputies, clerks or assistants of any one particular officer unless the same shall apply in equal percent to all deputies, clerks and assistants of all other such officers not to exceed fifteen percent (15%); and providing further that from and after the effective date of this Act the Commissioners' Courts in counties having a population of sixty thousand (60,000) inhabitants or more, and less than one hundred ninety thousand (190,000) inhabitants, according to the last preceding Federal Census, is hereby authorized and it shall be its duty to fix the salaries of all the following named officers, to-wit: Sheriff, Assessor and Collector of Taxes, County Judge, County Judge of the Court at Law, County Attorney, including Criminal District Attorneys and County Attorneys, District Clerk, County Clerk, County Service Officer, County Commissioners, and deputies, clerks and assistants of all such county officials in such counties, by increasing the compensation to be paid such officers, deputies, clerks and assistants in an additional amount of fifteen percent (15%) of the sum paid to or appropriated for said officers, and regularly employed deputies, clerks and assistants in the month of December, 1946.

Sec. 2. The fact that the cost of living has increased materially during the past seven years, with the further fact that the purchasing power of the dollar is decreasing and that salaries of other officials, as well as the wages and salaries in private industry have been increased; and the fact that the officers of said counties have not received salary increases during the said seven years, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

## Yeas—23

Brown	Moffett
Bullock	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York
Lane	

## Nays—3

Aikin	Weinert
Taylor	

## Absent

Hazlewood	Ramsey
Proffer	

## Absent—Excused

Carney

## Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
June 2, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred House Bill No. 468, have had the same under consideration and report it back to the Senate with the recommendation that it do pass and be mimeographed.

TAYLOR, Chairman.

Austin, Texas,  
June 3, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 440, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

## Message from the House

Hall of the House of Representatives,

Austin, Texas,  
June 3, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolution:

H. J. R. No. 35, Proposing an amendment to Article VIII of the Constitution of the State of Texas to provide that Three Thousand Dollars (\$3,000) of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from all taxation for all State purposes; etc.

H. B. No. 870, Exempting from taxation the property of institutions or organizations known as the Girl Scouts of America or local organizations of or affiliated with the Girl Scouts of America; and declaring an emergency.

H. B. No. 886, Making an appropriation to South Texas Tuberculosis Sanatorium; etc., and declaring an emergency.

H. B. No. 888, Amending House Bill No. 295, Acts of the Fiftieth Legislature, Regular Session, 1947, by adding thereto a provision to be entitled Section 1(a) of Article I providing that all school districts containing an area of one hundred and seventy-five (175) square miles or more shall be entitled to receive State aid as provided for in House Bill No. 295, Acts of the Fiftieth Legislature; etc., and declaring an emergency.

S. B. No. 420, To create an additional Criminal District Court for the County of Tarrant; etc., and declaring an emergency.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bill 155 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 155, A bill to be entitled "An Act repealing Article 4860a-20, Sections 1 to 26, both inclusive, of the Revised Civil Statutes of Texas, Acts 1937, 45th Leg., P. 184, Ch. 99, and providing that such repeal shall not apply to any company or association now doing business under such article and declaring an emergency."

The bill was read second time.

Senator York offered the following committee amendment to the bill:

(1)

Amend caption of House Bill No. 155 to hereafter read as follows:

An Act amending Senate Bill 121 passed by the Regular Session of the 45th Legislature of Texas, 1937, same being known as Article 4860a-20, Ver. Civ. Stat. of the St. of Tex.; and declaring an emergency.

The amendment was adopted.

Senator York offered the following committee amendment to the bill:

(2)

Amend that portion of H. B. No. 155 after the words "Be It Enacted by the Legislature of the State of Texas" to hereafter read as follows:

Section 1. Senate Bill 121 passed by the 45th Legislature of the State of Texas at its Regular Session in 1937, and known as Article 4860a-20, Ver. Civ. Stat. of the St. of Tex., is hereby amended so as to add thereto at the end thereof the following:

Section 1A. County Mutual Insurance Companies operating under the provisions of Article 4860a-20 shall after the passage of this Act be authorized to write insurance against loss or damage from any hazard provided therein or that any other fire or windstorm insurance company operating in Texas may write on property described in Section 1 of Article 4860a-20.

Section 2A. Any company operating under the provisions of Article 4860a-20 or subject to the provisions of said Article, excepting those companies which out of the total amount of insurance in force maintain more than sixty (60%) per cent in force on rural property and those companies operating on the assessment-as-needed plan, which shall hereafter be known as "Farm Mutual Insurance Companies," shall become subject to the provisions of this Act and shall comply with the following requirements, to-wit:

(a) The following terms when used in this Act shall be defined:

"Company" shall refer to and include all types of organizations, corporations, associations, companies or groups subject to the provisions of this Act.

"Board" shall refer to the Board of Insurance Commissioners of the State of Texas.

"Member" shall include policyholders or any persons insured by a company, by whatsoever means the insurance may be effective.

"Policy" shall include any insurance certificate or contract of insurance, certificate of membership or other document through which insurance is effected or evidenced.

"Assessment-as-needed plan" shall refer to companies that other than for nominal reserve purposes assess members only when a loss or losses occur and who use not more than twenty-five (25%) per cent of their gross income for expenses.

"Insolvent" shall refer to and include any condition or situation which is so designated herein and which is violative of the provisions of this law.

"Rural Property" as the term is used in this law shall mean any property which has at least five acres of cultivated or grazing land used exclusively with such insured property.

"Paid in full" or "full payment" shall mean the payment of the full amount of loss actually sustained not to exceed the maximum stated in the policy on the happening of the contingency insured against.

(b) Each such company shall place with the State Treasurer through the Board of Insurance Commissioners a deposit equal to the largest amount assumed on any one risk, or upon a showing of reinsurance acceptable to the Board, the largest amount retained on any one risk after reinsurance, which deposit may be in cash or in convertible securities subject to approval of the Board. Such deposit shall be liable for the payment of all judgments against the company, and subject to a garnishment after final judgment against the company. When such deposit becomes impounded or depleted it shall at once be replenished immediately on demand by the Board, or the company may be regarded as insolvent.

In addition to the statutory deposit, the company shall have and at all times maintain cash or invested assets equal to the amount of the statutory deposit, exclusive of the policyholders' contingent liability for excess claims.

When any company shall desire to state in advertisements, letters, literature or otherwise, that it has

made a deposit with the Board as required by law, it must also state in full the purpose of the deposit, the conditions under which it is made, and the exact amount and character thereof.

(c) Every policy form issued by such company shall be filed with, and must be approved by the Board of Insurance Commissioners if said policy form is in compliance with this law and so worded as not to be misleading to the policyholders and the public before it is used by the company. It is not mandatory that these forms be uniform for all companies, but the Board is directed to bring about as great uniformity as is feasible as early as practicable by cooperation with the several companies. All policy forms hereafter used must be in accord with the provisions of this Act regulating such companies.

(d) Such companies shall file with the Board schedule of its rates, the amount of policy fee, inspection fee, membership fee, or initial charge by whatever name called, to be charged its policyholders or those applying for policies.

(e) The Board shall make investigation of the individuals who shall make application for charter under and in the manner provided by Section 3, Article 4860a-20, Ver. Civ. Stat. of the St. of Tex., and when the Board shall be satisfied that the organizers are responsible persons and of the probability that the territory to be served can support such company, that the Articles of Association, constitution, by-laws, and certificates are in proper form as prescribed by this Act and so worded as not to be misleading to the policyholders and the public, that the statutory deposit has been posted in the required amount, and the bond shall have been approved, it shall issue a permit to the organizers authorizing them to solicit applications for insurance as provided under Section 5 of Article 4860a-20. In addition to the other requirements of Article 4860a-20, Ver. Civ. Stat. of Tex., and of this law before the company shall be eligible for its permanent certificate, it shall have on hand assets equal to the amount of the statutory deposit.

(f) All the records and books of each company shall be kept in the shape, form and manner as to reflect truly and accurately the condition of the company, or the facts essential

to its faithful and effective operation. The company shall at once adopt forms or systems which will serve the purpose most effectively.

(g) Such company shall also file with the Board, and secure license for, each of its agents, or solicitors, upon payment of license fee of One (\$1.00) Dollar for each agent or solicitor under the provisions of Article 5068b.

(h) The Board of Insurance Commissioners shall not issue to any company a certificate of authority to do business in Texas, when it shall find after notice and hearing any officer or member of the board of directors to be unworthy of the trust or confidence of the public. After a certificate has been granted, the Board shall order, after notice and hearing, the removal of any officer or director found unworthy of trust, and if such officer or director be not then removed, the Board shall cancel the certificate and proceed to deal with the company as though it were insolvent. The provisions herein shall supersede Section 22 of Article 4860a-20, Ver. Civ. Stat. of Texas, which is hereby repealed.

(i) Such companies shall furnish a bond for the officer responsible for the handling of funds of the members in some surety licensed by the Board to do business in Texas in the minimum amount of One Thousand (\$1,000.00) Dollars, said bond to be kept at all times at least equal to the cash assets on hand, with a maximum of Twenty Thousand (\$20,000.00) Dollars, said bond shall be made payable to the Board of Insurance Commissioners for the use and benefit of the members of the company, and shall obligate the principal and surety to pay such pecuniary loss as the company shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or willful misapplication on the part of such officer, either directly and alone, or in connivance with others.

In addition to the bond required in the preceding paragraph each company shall procure a like bond for all other office employees, who may have access to any of its funds, in an amount or amounts fixed by the Board with a minimum of One Thousand (\$1,000.00) Dollars and a maximum of Five Thousand (\$5,000.00) Dollars. Successive recoveries on any of the bonds provided for in this sec-

tion may be had on such bonds until same are exhausted.

(j) It shall not be unlawful for a company to contest claims for valid reasons; but claims may not be contested for delay only or for captious or inconsequential reasons, or to force settlement at less than full payment. Therefore, if liability is to be denied on any claim, the company is hereby required to notify the claimant within sixty (60) days after due proofs are received that the claim will not be paid, and failing to do so, it will be presumed as a matter of law that liability has been accepted.

The Board, after notice and hearing, shall cancel the certificate of authority of any company found to be operating fraudulently or improperly contesting its claims.

(k) By-laws of any company may be amended by a majority of the members of the company present or represented by proxy when ratified by the board of directors, but only at meetings called for that purpose, or at regular meetings. Amendments to the by-laws shall not be effective until approved by the Board of Insurance Commissioners as being in conformity with this Act. Notices of all meetings, whether regular or special, at which amendments to by-laws will be considered must be mailed or delivered personally to all members.

(l) If upon an examination or at any other time, and after proper notice and hearing, it appears to the Board of Insurance Commissioners that such company be insolvent, or its condition be, in the opinion of the Board, such as to render the continuance of its business hazardous to the public, or to holders of its certificates, or if such company appears to have exceeded its powers or failed to comply with the law, then the Board shall notify the company of its determination and said company shall have thirty (30) days under the supervision of the Board within which to comply with the requirements of the Board; and in the event of its failure to so comply within such time, the Board, acting for itself or through a conservator appointed by the Life Insurance Commissioner for that purpose, shall immediately take charge of such company, and all of the property and effects thereof. If the Board is satisfied that such company can best serve its policyholders and the public through its continued operation by the conservator under the direc-



tion of said Board, pending the election of new directors and officers by the membership in such manner as the Board may determine, the same shall be done. If the Board, however, is satisfied that such company is not in condition to satisfactorily continue business in the interest of its policyholders under the conservator as above provided, the Board shall proceed to reinsure the outstanding liabilities in some solvent company, authorized to transact business in this State, or the Board shall proceed through such conservator to liquidate such company, or the Board may give notice to the Attorney General as provided under the general laws relating to insurance corporations. It shall be in the discretion of the Board to determine whether or not it will operate the company through a conservator, as provided above, or proceed to liquidate the company, as herein provided, or report it to the Attorney General. When the liabilities of a company are reinsured or liquidated, as herein provided, the Board shall report the same to the Attorney General, who shall take such action as may be necessary to effect the forfeiture or cancellation of the charter of the company so reinsured or liquidated. Where the Board lends its approval to the merger transfer or consolidation of the membership of one company with that of another, the same shall be reported to the Attorney General who shall proceed to effect the forfeiture or cancellation of the charter of the company from which the membership was merged, transferred or consolidated, in the same manner as is provided for the charters of companies reinsured or liquidated. No merger or transfer shall be approved unless the company assuming the members transferred or merged is operating under the supervision of the Board of Insurance Commissioners. The cost incident to the conservator's services shall be fixed and determined by the Board and shall be a charge against the assets and funds of the company to be allowed and paid as the Board may determine.

(m) Should any agent or solicitor for any company be found guilty of making a charge greater than that filed with the Board, or guilty of misrepresentation, he shall have his license cancelled and shall not thereafter be again licensed by said Board. Any agent or solicitor who, upon conviction, is found guilty of overcharge

or misrepresentation, shall be punished by a fine of not less than \$50.00 nor more than \$500.00.

(n) If any director, officer, agent, employee, attorney at law or attorney in fact, of any association under this Act, shall fraudulently take, misapply or convert to his own use any money, property or other thing of value belonging to such company, providing that he is not entitled to receive the same, that may have come into his custody, possession or management by virtue of his office, directorship, agency, or employment, or in any other manner, or shall secrete the same with intent to take, misapply or convert the same to his own use, or shall pay or deliver the same to any person knowing that he is not entitled to receive it, he shall be confined in the penitentiary not less than two (2) nor more than ten (10) years.

(o) If any director, officer, agent, employee, attorney at law, or attorney in fact of any company under this Act, shall wilfully borrow, withhold or in any manner divert from its purpose, any special fund or any part thereof belonging to or under the control and management of any company under this Act, which has been set apart by law, he shall be confined in the penitentiary not less than two (2) nor more than ten (10) years.

(p) The Board of Insurance Commissioners shall have the power and authority to compel written reports from such association as to the condition of such company whenever deemed advisable by the Board. The Board may require that such report be verified by the oath of a responsible officer of the company. If any officer, director, agent, employee, attorney at law or attorney in fact, of any company under this Act, shall wilfully make any false affidavit in connection with the requirements of this Act, he shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed two (2) years, or by confinement in the penitentiary not to exceed two (2) years. The provisions herein shall supersede Section 17 of Article 4860a-20, Ver. Civ. Stat. of Tex., which is hereby repealed.

(q) If any director, officer, agent, employee or attorney at law or attorney in fact of any company under this Act, or any other person, shall violate any of the provisions of this Act not specifically set out in sections

(n), (o) and (p) of this Act, he shall be punished by fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

(r) The contingent liability of policyholders required under Section 6 of Article 4860a-20, Ver. Civ. Stat. of Tex., shall be fixed in the by-laws of each company and shall never be less than one dollar (\$1.00) nor more than five dollars (\$5.00) for each one hundred dollars (\$100.00) of property insured in any policy issued by companies subject to the provisions of this Act. Where any risk is insured against more than one hazard, for the purposes of Article 4860a-20, Ver. Civ. Stat. of Tex., and of this law, the amount of risk or insurance in any policy shall be the maximum loss that may be sustained at any one time by the company under the policy, regardless of the number of hazards insured against.

(s) Companies chartered and operating in this State prior to May 1, 1947, shall have ninety days from the effective date of this Act within which to comply with its provisions. This law is effective as to all other companies from and after the effective date of this law.

(t) It shall be the right and privilege of any individual or company to appeal within sixty days from any Board order or ruling to the District Court in the County of Travis, Texas. The trial shall be de novo, and in the event of appeal the orders of the Board shall be suspended pending final judgment of the courts.

Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

Sec. 3. If any word, phrase, clause, sentence, paragraph, or provision of this Act is declared unconstitutional, it is the intent of the Legislature that the remaining portion thereof shall not be affected, but that such remaining portions remain in full force and effect.

Sec. 4. The importance of this Act and the fact that at the present time there is no law that will permit the Board of Insurance Commissioners to regulate such companies creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three con-

secutive days in each House be, and said Rule is, hereby suspended, and it is so enacted.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 155 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 155 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

#### Absent—Excused

Carney

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Conference Committee on House Bill 727

Senator Harris called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on House Bill 727 and moved that the request be granted.

The motion to grant the request prevailed.

#### Record of Votes

Senators Morris, Knight, Chadick,

Jones and Bullock asked to be recorded as voting "nav" on the motion to grant the request.

**Conference Committee on  
House Bill 831**

Senator Chadick called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 831 and moved that the request be granted.

The motion to grant the request prevailed.

**Conference Committee on  
House Bill 120**

Senator Phillips called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 120 and moved that the request be granted.

The motion to grant the request prevailed.

**Bills Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 374, A bill to be entitled "An Act making appropriation for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two-year period beginning September 1, 1947, and ending August 31, 1949; and prescribing certain regulation and restrictions in respect to the expenditure of said appropriations; and declaring an emergency."

S. B. No. 391, A bill to be entitled "An Act making appropriation for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1947, and ending August 31, 1949, and for payment of other specified claims and items; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photo-

stat machines; providing the working hours and vacation allowance of employees; etc., and declaring an emergency."

**Motion To Place Senate Bill 67  
On Second Reading**

Senator Stanford moved to suspend the regular order of business to take up Senate Bill No. 67 for consideration at this time.

Question—Shall the motion prevail?

**Recess**

On motion of Senator Aikin, the Senate, at 11:45 o'clock a. m., took recess to 2:30 o'clock p. m., today.

**Afternoon Session**

The Senate met at 2:30 o'clock p. m., and was called to order by Senator Aikin.

**Senate Bill 440 on Second Reading**

Senator Crawford moved to suspend the constitutional rule requiring bills to be read on three several days and that Senate Bill No. 440 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

The Presiding Officer then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 440, A bill to be entitled "An Act amending House Bill No. 919, Chapter 50, Page 800, Special Laws, 1939, Regular Session, 46th Legislature, Sections 1 and 2, as

amended by Senate Bill No. 128, Acts 1947, 50th Legislature, regulating and providing for the taking of minnows in Erath and Hood Counties for personal use by residents of said Counties on their own premises, and providing that such persons may use such minnows for personal and commercial purposes and for sale at any time; providing a penalty; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 440 on Third Reading

The Presiding Officer then laid S. B. No. 440 before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 785 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 785, A bill to be entitled "An Act authorizing the Commissioners' Courts of Counties having a population of less than 20,000 according to the last preceding Federal census, in which counties the Commissioners' Courts have authorized County Officials to be compensated on a salary basis, the Commissioners' Court of such Counties shall fix the salaries to be paid to County Officials, their deputies, clerks and assistants; repealing all laws in conflict, and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend H. B. No. 785 by adding at the end of Section 1 the following:

"Provided, however, that no salary fixed herein by such Commissioners Court shall be in an amount to exceed Five Thousand Four Hundred (\$5,400.00) Dollars for the County Officers and in an amount of Three Thousand Six Hundred (\$3,600.00) Dollars for Deputies, Assistants, and Clerks; provided, further that no salary shall be set at a figure lower than that paid for the Calendar Year 1946."

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend the caption of House Bill No. 785 to conform to the body of the bill.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 785 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 785 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
June 3, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 880, Making an emergency appropriation to the State Board of Hairdressers and Cosmetologists; and declaring an emergency.

H. S. R. No. 248, Requesting the Senate to return H. C. R. No. 165 to the House for further consideration.

Respectfully submitted,

CLARENCE JONES

Chief Clerk, House of Representatives.

(President in the Chair.)

**Motion to Place Senate Bill 67 on Second Reading**

The Senate resumed consideration of pending business, same being the motion by Senator Stanford to suspend the regular order of business to take up S. B. No. 67 for consideration at this time.

Pending discussion of the motion, Senator Phillips raised a point of order against the further discussion of the motion on the ground that it is not debatable.

The President overruled the point of order stating that while the motion is not debatable, it is explainable.

(Senator Aikin in the Chair.)

Question then recurring on the motion of Senator Stanford, it was lost by the following vote:

**Yeas—10**

Aikin	Parrish
Brown	Phillips
Hazlewood	Proffer
Kelley of Hidalgo	Stanford
Knight	Stewart

**Nays—11**

Bullock	Jones
Carney	Lane
Chadick	Moffett
Hardeman	Strauss

Taylor  
Weinert

Winfield

Absent

Cousins	Ramsey
Crawford	Tynan
Harris	Vick
Kelly of Tarrant	York
Morris	

(President in the Chair.)

**Message from the Governor**

The following message received from the Governor today was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 3, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the State Board of Embalming for a six year term to expire May 31, 1953:

Porter Loring of San Antonio, Bexar County, reappointment.

To be members of the State Board of Dental Examiners for six year terms to expire May 24, 1953:

Dr. Oliver J. Shaffer of El Paso, El Paso County;

Dr. Maxwell C. Murphy of Temple, Bell County.

Respectfully submitted,

BEAUFORD H. JESTER,  
Governor of Texas.

**House Bill 543 on Passage to Third Reading**

Senator Bullock moved to suspend the regular order of business to take up House Bill 543 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—14**

Brown	Knight
Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hazlewood	Stewart
Jones	Strauss
Kelley of Hidalgo	Tynan

**Nays—7**

Aikin	Hardeman
Carney	Lane

Taylor	Winfield
Weinert	
Absent	
Cousins	Ramsey
Harris	Stanford
Kelly of Tarrant	Vick
Moffett	York
Morris	

The President then laid before the Senate on its passage to third reading:

H. B. No. 543, A bill to be entitled "An Act amending Article 3174, Title 51, Revised Civil Statutes, 1925, transferring the general control and management of the Texas School for the Deaf from the State Board of Control to the State Board of Education; providing that all the powers and duties heretofore vested in the State Board of Control and pertaining to the affairs of the Texas School for the Deaf are transferred to the State Board of Education; providing for the appointment of the Superintendent of the said Texas School for the Deaf by the State Board of Education; and declaring an emergency."

The bill having been read second time on yesterday, and, at that time, postponed until today.

Question—Shall the bill be passed to third reading?

Senator Bullock offered the following amendment to the bill:

Amend H. B. No. 543 by adding at the end of Section 2 the following:

"Provided nothing in this Act shall be construed to in any manner affect, impair, repeal or modify the provisions of Article 3183 or any other provision of the Statutes providing for the support and maintenance of said school as an eleemosynary institution of this State; and said school and the children entitled to the benefits thereof shall receive the same kind of support, maintenance and care provided in other eleemosynary institutions in this State."

(Senator Harris in the Chair.)

The amendment was adopted.

The bill was passed to third reading by the following vote:

Yeas—16

Brown	Bullock
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Carney	Morris
Chadick	Phillips
Cousins	Ramsey
Crawford	Stanford
Kelley of Hidalgo	Stewart
Kelly of Tarrant	Strauss
Knight	Tynan

Nays—11

Aikin	Proffer
Hardeman	Taylor
Harris	Vick
Hazlewood	Weinert
Lane	Winfield
Moffett	

Absent

Parrish	York
Jones	

#### Leave of Absence Granted

Senator Jones was granted leave of absence for the remainder of the day on account of important business on motion of Senator Hardeman.

#### Motion to Place House Bill 543 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 543 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—16

Bullock	Moffett
Carney	Phillips
Chadick	Proffer
Crawford	Ramsey
Hazlewood	Stanford
Kelley of Hidalgo	Stewart
Kelly of Tarrant	Strauss
Knight	Tynan

Nays—11

Aikin	Morris
Brown	Taylor
Cousins	Vick
Hardeman	Weinert
Harris	Winfield
Lane	

Absent

Parrish	York
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Absent—Excused

Jones

**Motion to Place House Bill 632 on Second Reading**

Senator Moffett moved to suspend the regular order of business to take up House Bill 632 for consideration at this time.

Senator Chadick requested that the motion be reduced to writing.

Senator Moffett then submitted the following motion in writing:

Mr. President:

I move that the rules be suspended and that H. B. 632 be laid before the Senate on its second reading and passage to third reading.

MOFFETT.

Senator Chadick called for a division of the motion.

Senator Moffett then submitted the following motion in writing:

Mr. President:

I move that rules 13 and 38 be suspended and that H. B. 632 be laid before the Senate on its second reading and passage to third reading.

MOFFETT.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—17**

Aikin	Lane
Brown	Moffett
Bullock	Proffer
Carney	Ramsey
Chadick	Stewart
Cousins	Strauss
Crawford	Taylor
Hazlewood	Tynan
Knight	

**Nays—9**

Hardeman	Stanford
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Morris	Winfield
Phillips	

**Absent**

Harris	York
Parrish	

**Absent—Excused**

Jones

**House Bills and Resolution on First Reading**

The following House bills and reso-

lution received from the House today, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 880, to Committee on Finance.

H. B. No. 886, to Committee on Finance.

H. B. No. 888, to Committee on Finance.

H. B. No. 870, to Committee on State Affairs.

H. J. R. No. 35, to Committee on Constitutional Amendments.

**Report of Standing Committee**

By unanimous consent, the following report was submitted at this time:

Austin, Texas,  
June 3, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred House Bill No. 274, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

**House Bill 580 on Second Reading**

On motion of Senator Stewart, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 580, A bill to be entitled "An Act to authorize the Harris County Flood Control District to take possession of property in eminent domain proceedings upon deposit with the County Clerk of the amount awarded to the owner or owners, providing that an appeal from the award of the Commissioners in condemnation proceedings shall not have the effect of causing any suspension of work; and declaring an emergency."

The bill was read second time.

Senator Stewart offered the following amendment to the bill:

Amend H. B. No. 580 by striking out all below the enacting clause and substituting therefor the following:

"Section 1. In eminent domain proceedings brought by the Harris County Flood Control District, the District shall not be required to give any security for costs at any stage of the proceedings. In the event that the District should desire to take possession of the property sought to be condemned, it may do so at any time after the award of the Commissioners in eminent domain proceedings shall have been filed with the Judge of the County Court, or County Court at Law as the case may be, upon deposit with the County Clerk of the amount of the award. The District shall not be required to deposit any further sums, nor to give any bond for costs. No appeal from the finding and assessment of damages by the Commissioners appointed for that purpose shall have the effect of causing the suspension of work by the District in connection with the land condemned or the right of way, easement or other interest sought to be acquired. The findings of the Commissioners Court as to the plan of the work, the necessity, the location and the type of improvement shall be final and not subject to review except upon proof of actual fraud or malfeasance in office.

"Sec. 2. The fact that the statutes creating the Harris County Flood Control District do not clearly define the rights of the parties in eminent domain proceedings, and the further fact that the prosecution of works of improvement by the District is vital to the public interest, creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read in each House on each of three several days be suspended, and it is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Stewart, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

#### House Bill 580 on Third Reading

Senator Stewart moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 580 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Moffett
Brown	Morris
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Hazlewood	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield

#### Absent

Harris	York
Parrish	

#### Absent—Excused

Jones

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 581 on Second Reading

On motion of Senator Stewart, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 581, A bill to be entitled "An Act to provide for an election in Flood Control Districts in all counties where the boundaries of such Districts are coincident with the boundaries of the county in which the District lies for the purpose of submitting to the resident, qualified voters in such District who own taxable property therein which has been duly rendered for taxation, the question of whether or not a tax shall be levied for the purpose of paying the principal and interest on bonds of said District, and for maintenance and operation of the improvements therein, providing that the total tax in any one year shall not exceed thirty (30) cents on the one hundred dollars valuation of all taxable property within said District, authorizing the



issuance of refunding and other bonds by such Districts, prescribing the method and manner of the issuance of bonds; and declaring an emergency."

The bill was read second time.

Senator Stewart offered the following amendment to the bill:

Amend House Bill No. 581 by striking out all below the enacting clause and substituting therefor the following:

"Section 1. The governing body of the Harris County Flood Control District (hereinafter called 'Board') may upon the petition of fifty (50) or more resident qualified voters who own taxable property in the District and who have rendered it for taxation, order an election for the purpose of submitting to the resident qualified voters therein who own taxable property therein and who have duly rendered it for taxation the question of whether or not the Board shall be authorized to issue the bonds of said District and to levy a tax for maintenance and operation purposes; provided that the amount of the tax for bonds and maintenance together in any one year shall not exceed thirty cents (30c) on the one hundred dollars (\$100.00) valuation of taxable property in said District. The petition shall conform as near as may be to the requirements of law now governing petitions for election for bonds in such district, and the election shall not be ordered until notice of hearing be published, and public hearing had, as now provided by law for the holding of elections for the issuance of bonds in said District."

"Sec. 2. The time, place, manner and method of ordering, giving notice of and holding the election, the questions and propositions to be submitted, the form of the ballot, the time and method of declaring the result and the issuance of the bonds shall be governed as near as may be by the statutes governing the holding of elections and the issuance of County bonds as provided in Chapters 1 and 2 of Title 22, R. S. 1925 as modified by the statutes creating the Harris County Flood Control District. The District may issue its bonds to mature serially or otherwise not to exceed thirty (30) years after their date. The governing body may also determine whether or not bonds shall con-

tain an option of redemption, and if so, the form and date of such option. If the election be for a maintenance tax, then the ballot shall have written or printed thereon the words "For the Flood Control Maintenance tax" and "Against the Flood Control Maintenance tax," and the voter shall strike out one of said expressions, leaving the other standing as his vote. When authorized, the Board may thereafter levy annually a tax sufficient to operate and maintain works and improvements owned or constructed by the District, provided the amount of such tax does not exceed the limit authorized."

"Sec. 3. The Board shall have authority to issue refunding bonds bearing the same or a lower rate of interest to refund any bonds of the District theretofore issued and outstanding. Refunding bonds may be issued serially or otherwise for any term of years not exceeding thirty (30). Statutes governing refunding of County bonds shall apply to refunding bonds of the Harris County Flood Control District so far as applicable, except where otherwise expressly provided by the laws relating to said District."

"Sec. 4. This Act shall be cumulative of all other laws governing the Harris County Flood Control District; but where this Act shall conflict with any prior statutes, this Act shall control."

"Sec. 5. The fact that the Legislature has heretofore made no provision for the permanent maintenance of flood control improvements heretofore authorized, and the further fact that no provision has been made for the refunding of outstanding indebtedness, and the fact that the taxes now authorized are inadequate, creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read in each House on each of three several days be suspended, and it is so suspended, and this Act shall take effect and be in force from and after its passage, and it so enacted."

The amendment was adopted.

Senator Stewart offered the following amendment to the bill:

Amend House Bill No. 581 by striking out all above the enacting clause and substituting therefor the following:

"An Act to provide for an election

in the Harris County Flood Control District for the purpose of submitting to the resident qualified voters in such District who own taxable property therein and who have duly rendered it for taxation the question of whether or not taxes may be levied therein for the purpose of paying the principal and interest on the bonds of said District and for the maintenance and operation of the improvements therein, providing that the total tax in any one year shall not exceed thirty cents (30c) on the One Hundred Dollars (\$100.00) valuation of all taxable property within said District, authorizing the issuance of refunding and other bonds by such District, prescribing the method and manner of the issuance of the bonds, and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 581 on Third Reading

Senator Stewart moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 581 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Moffett
Brown	Morris
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Hazlewood	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield

#### Absent

Harris	York
Parrish	

#### Absent—Excused

Jones

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Conference Committee on House Bill 120

The President announced the appointment of the following conference committee on H. B. No. 120, on the part of the Senate: Senators Weinert, Lane, Knight, Phillips, and Morris.

#### Conference Committee on House Bill 831

The President announced the appointment of the following conference committee on H. B. No. 831, on the part of the Senate: Senators Chadick, Phillips, Hardeman, Morris, and Strauss.

#### Conference Committee on House Bill 727

The President announced the appointment of the following conference committee on H. B. No. 727, on the part of the Senate: Senators Harris, Strauss, Winfield, Weinert, and Lane.

#### Motion to Place Senate Bill 66 on Second Reading

Senator Crawford moved to suspend the regular order of business to take up Senate Bill 66 for consideration at this time.

Question—Shall the motion prevail?

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

C. S. H. B. No. 246, An Act fixing and determining a method of per capita apportionment for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1947, and ending August 31, 1949, both dates inclusive; and for certain other

educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause; and declaring an emergency.

S. B. No. 420, A bill to be entitled "An Act to create an additional Criminal District Court for the County of Tarrant, to be known as 'Criminal District Court No. 2 of Tarrant County' and to provide for the jurisdiction, and organization of, and procedure in said Court; providing for concurrent jurisdiction with the Criminal District Court of Tarrant County; to provide for the transferring and docketing of cases, and to provide for the trial and disposition of causes during the absence or inability to serve of either Judge; to provide for the appointment and election, qualification, jurisdiction, duties, powers and compensation of a Judge thereof; to provide for a seal; etc., and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act to provide for an inventory of existing hospitals, for a survey of the need for additional hospital facilities and for the development and administration of a hospital planning construction program which will, in conjunction with the existing facilities, afford hospitals and public health centers to serve all the people of the state; and appropriating money, establishing methods of administration and control, providing for compliance with the requirements of the Federal Hospital Survey and Construction Act and regulations thereunder, authorizing the acceptance and expenditure of Federal funds in accordance with such requirements."

H. B. No. 813, A bill to be entitled "An Act to create Dallas County Park Cities Water Control and Improvement District No. 2, embracing lands in the County of Dallas, State of Texas; etc., and declaring an emergency."

H. C. R. No. 114, Granting certain counties permission to sue the State.

H. C. R. No. 130, Commending the Interstate Commerce Commission as to decisions on freight rate equality.

#### Adjournment

Senator Chadick moved that the

Senate adjourn until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—16

Aikin	Moffett
Brown	Morris
Bullock	Proffer
Carney	Ramsey
Chadick	Stewart
Cousins	Strauss
Knight	Tynan
Lane	Weinert

#### Nays—11

Crawford	Phillips
Hardeman	Stanford
Hazlewood	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Parrish	

#### Absent

Harris	York
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#### Absent—Excused

Jones

The Senate, accordingly, at 4:25 o'clock n. m., adjourned until 10:30 o'clock a. m. tomorrow.

### SEVENTY-EIGHTH DAY

(Wednesday, June 4, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

A quorum was announced present.